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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/673,059

09/26/2003

Stefan Baggstrom

944-1.117

1237

10945

7590

06/24/2011

NOKIA CORPORATION

c/o Ware, Fressola, Van Der Sluys & Adolphson LLP

Building Five, Bradford Green

755 Main Street, PO Box 224

Monroe, CT 06468

EXAMINER

PEREZ, JULIO R

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

06/24/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<b>Application No.</b> 10/673,059	<b>Applicant(s)</b> BAGGSTROM ET AL.	
	<b>Examiner</b> JULIO PEREZ	<b>Art Unit</b> 2617	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 16 May 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: 5, 12 and 22.  
 Claim(s) rejected: 1-3, 6-10, 13-21, 23.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
 13. ☐ Other: \_\_\_\_\_.

/Patrick N. Edouard/  
 Supervisory Patent Examiner, Art Unit 2617

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments have been considered, but they are not persuasive. Furthermore, the examiner must give each claim its broadest and most reasonable interpretation.

Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to cite a narrower meaning to the limitations. As the claims area allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is urged to interpret the claim limitations as broadly as reasonable in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims.

The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and restates the need for the Applicant to more clearly and distinctly define the claimed invention.

Applicant argues that "scanning" is not equivalent to an "active connection" for the connected application, and that merely detecting the presence of wireless system cannot be an active connection for a connected application. (Remarks, page 3, second and third paragraphs). The examiner respectfully disagrees. The examiner interprets "active" as used in general definition of active: alert, dynamic, ready. Therefore, the active connection for the application is alert. The connection with systems being monitored is not dead. It is known that mobile devices are constantly connected with the wireless systems: taking for example a telephone connected to the wall phone-jack is active (it is alert), although is not in active in communication, or not having a communication session (ongoing communication connection, or on a call session), or that it is 'actively communicating, i.e., ongoing transmitting or receiving data with at least one other device'. Therefore, the reference discloses the connection to cellular system: "scanning" or "monitoring" can be read as active connections.

Applicant further argues that two connected applications simultaneously hosted by the device are not disclosed (Remarks, page 3, last paragraph, and page 4, first two paragraphs). The device during a handoff i.e., a soft handoff is known for actively communicating with two systems at the same time). Thus, the "active connections" again is broadly interpreted as alert connections: the system or system may communicate at all times with a device, the systems always detects the devices surrounding the systems, thus, they communicate somehow, they might not be in a ongoing communication session, but they communicate with other while sniffing for each other.

Applicant argues that Sammarco nor Chitrapu disclose information including number and type of connections currently in use (Remarks, page 4, third to fifth paragraph, and page 5, first paragraph). The examiner respectfully disagrees. Sammarco, Chitrapu, and Nave disclose having the type of connections in use, simulatnaeous connections are detected (col. 4, lines 20-65; col. 5, lines 14-44). Furthermore, it should be noted that Sammarco has not been applied alone to meet the argued limitation. It is the combination of Sammarco, Chitrapu, and Nave what meets the argued limitation.

Applicant further argues similarly that Sammarco does not disclose or suggest active cellular network for connected applications or information about two "active" connections (Remarks, page 6, last two paragraphs). The examiner contends similarly as in above paragraphs regarding the "active" term and "connections."

Applicant repeats the argument of "scanning for a system is not equivalent to an "active connection." (Remarks, pages 7, first to last paragraph, through page 8, first and second paragraph). The examiner respectfully disagrees with same arguments as in previous paragraphs in regards to the interpretation of the terms "active" and "connections."

Applicant similarly argues that two connected applications simuataneisouly hosted by the device is not disclosed (Remarks, pages 9, First and second paragraph), And that Nave does not disclose the at least two active cellular network systems. The examiner respectfully disagrees. Sammarco, Chitrapu, and Nave disclose having the type of connections in use, simulatnaeous connections are detected (col. 4, lines 20-65; col. 5, lines 14-44). Furthermore, it should be noted that Sammarco has not been applied alone to meet the argued limitation. It is the combination of Sammarco, Chitrapu, and Nave what meets the argued limitation.

Applicant further argues that Sammarco, Chitrapu, and Nave fail to disclose. The "at least two currently 'active' cellular network system" and "one or more active connections" (Remarks, pages 10, first and second paragraphs, and page 11, first and second paragraphs). The examiner further respectfully disagrees. The connection with systems being monitored is not dead. It is known that mobile devices are constantly connected with the wireless systems: taking for example a telephone connected to the wall phone-jack is active (it is alert), although is not in active in communication, or not having a communication session (ongoing communication connection, or on a call session), or that it is 'actively communicating, i.e., ongoing transmitting or receiving data with at least one other device'. Therefore, the reference discloses the connection to cellular system: "scanning" or "monitoring" can be read as active connections.

In view of the examiner's broadest and reasonable interpretation, the examiner notes that a more favorable outcome may occur or the presented art may be overcome if the applicant were to amend the claims with clarification the terms "active" and "active connections." The examiner further points out that a more favorable outcome may occur if the applicant were to amend the claims as to more finely define the applicants inventive concept and place the present limitations apart from the prior art of record.